

REMARKS

Specification

The objection to the specification for making reference to the claims at page 5, line 7, is overcome by deleting such reference to the claims. Removal of the objection is kindly sought.

Claim Rejections - 35 USC 102

The rejection of Claims 1-7, 10, 13-14, 16-19, and 27-28 under 35 USC 102 as being anticipated by US 6,017,495 (Ljungmann) is respectfully traversed for the following reasons.

Applicants have reviewed the Ljungmann patent, and respectfully point out that the apparatus of Ljungmann does not include the claimed improvement comprising "at least one heatable reagent station being provided as a processing station". The waiting/stove station 2 of Ljungmann is configured to dry the tissue specimens on the microscope slides after they leave the rinsing baths 9. See Claim 2. The reagent staining stations of Ljungmann, namely stations 4, are distinguished from the water rinsing stations 3 and the stove station 2. See column 2, lines 26-31. None of the twenty to thirty staining stations 4 have means to heat the reagent 6 in vessels 5, nor is there any suggestion of this feature. Stove station 2 is configured to circulate heated air about the slides for drying. On this basis, Applicants ask for reconsideration of the rejected claims and removal of the stated rejection.

The rejection of Claims 1-3, 6-7, 13-14, 17-19, 23-24, and 27 under 35 USC 102 as being anticipated by US 6,436,348 (Ljungmann et al.) is respectfully traversed on grounds similar to those stated above. In particular, magazine 11 of Ljungmann et al. has heating means comprising a heating element 13 and a fan 14 for two purposes, neither of which is to heat reagent in a staining station. The first purpose is to melt away embedment medium (paraffin wax) on histological specimens before the specimen slides are transferred to staining stations. See column 2, lines 33-40; and column 3, lines 6-7. The second purpose is to heat tissue specimens between dunks in staining baths. See column 2, line 66 through column 3, line 5. Here again, the cited reference does not teach or suggest a heatable reagent station. Favorable reconsideration of the rejected claims is respectfully sought.

For the reasons given above, removal of the rejections under 35 USC 102 is respectfully requested.

Appl. No. 09/931,138
Amendment and Response to Office Action
Reply to Office Action of May 21, 2003

Claim Rejections - 35 USC 103

Claims 7, 11-12, and 15 are rejected under 35 USC 103 as being unpatentable over Ljungmann et al. or Ljungmann in view of US 6,004,512 (Titcomb et al.).

Claim 8 is rejected under 35 USC 103 as being unpatentable over Ljungmann et al. or Ljungmann in view of US 5,958,341 (Chu).

Claims 7-11 and 15 are rejected under 35 USC 103 as being unpatentable over Ljungmann et al. or Ljungmann in view of US 6,296,809 (Richards et al.).

The various obviousness rejections of the dependent claims listed above are respectfully traversed because the references, taken alone or together, do not disclose a heatable reagent station. Therfore, Applicants respectfully seek withdrawal of the obviousness rejections under 35 USC 103.

Allowable Subject Matter

The indication of allowable subject matter in Claims 20-22, 25-26, and 29 is gratefully acknowledged. Because Applicants respectfully traverse the rejections relating to the parent claims, the claims containing allowable subject matter have not been rewritten in independent form at this time.

Conclusion

The present application is thought to be in a condition for allowance. Therefore, it is respectfully asked that a timely Notice of Allowance be issued in this application.

Respectfully submitted,

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DATED: August 14, 2003